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8 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. VN-2008-148

12 **STACI-ANN MARIE BOZARTH**
13 **6563 Richard Avenue**
Placerville, CA 95667

DEFAULT DECISION AND ORDER

14 **Vocational Nurse License No. VN 219266**

[Gov. Code, §11520]

15 Respondent.

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18 **FINDINGS OF FACT**

19 1. On or about May 8, 2012, Complainant Teresa Bello-Jones, J.D., M.S.N., R.N., in her
20 official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric
21 Technicians, Department of Consumer Affairs, filed Accusation No. VN-2008-148 against Staci-
22 Ann Marie Bozarth (Respondent) before the Board of Vocational Nursing and Psychiatric
23 Technicians. (Accusation attached as Exhibit A.)

24 2. On or about February 24, 2006, the Board of Vocational Nursing and Psychiatric
25 Technicians (Board) issued Vocational Nurse License No. VN 219266 to Respondent. The
26 Vocational Nurse License expired on October 31, 2009, and has not been renewed.

27 3. On or about May 8, 2012, Respondent was served by Certified and First Class Mail
28 copies of the Accusation No. VN-2008-148, Statement to Respondent, Notice of Defense,

1 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
2 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
3 Code section 136, is required to be reported and maintained with the Board. Respondent's
4 address of record was and is:

5 6563 Richard Avenue
6 Placerville, CA 95667.

7 3. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
9 124.

10 4. Government Code section 11506 states, in pertinent part:

11 (c) The respondent shall be entitled to a hearing on the merits if the respondent
12 files a notice of defense, and the notice shall be deemed a specific denial of all parts
13 of the accusation not expressly admitted. Failure to file a notice of defense shall
14 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
15 may nevertheless grant a hearing.

16 5. Respondent failed to file a Notice of Defense within 15 days after service upon her of
17 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. VN-
18 2008-148.

19 6. California Government Code section 11520 states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense or to appear at the
21 hearing, the agency may take action based upon the respondent's express admissions
22 or upon other evidence and affidavits may be used as evidence without any notice to
23 respondent.

24 7. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
27 as well as taking official notice of all the investigatory reports, exhibits and statements contained
28 therein on file at the Board's offices regarding the allegations contained in Accusation No. VN-
2008-148, finds that the charges and allegations in Accusation No. VN-2008-148, are true and
correct.

1 8. Taking official notice of its own internal records, pursuant to Business and
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
3 and Enforcement is \$735.00 as of June 11, 2012.

4 DETERMINATION OF ISSUES

5 1. Based on the foregoing findings of fact, Respondent Staci-Ann Marie Bozarth has
6 subjected her Vocational Nurse License No. VN 219266 to discipline.

7 2. The agency has jurisdiction to adjudicate this case by default.

8 3. The Board of Vocational Nursing and Psychiatric Technicians is authorized to revoke
9 Respondent's Vocational Nurse License based upon the following violations alleged in the
10 Accusation which are supported by the evidence contained in the Default Decision Investigatory
11 Evidence Packet in this case.:

12 a. Respondent has subjected her license to discipline pursuant to Code section
13 2878, subdivision (1), on the grounds of unprofessional conduct as defined in Code section
14 2878.5, subdivision (1), in that Respondent possessed the controlled substance
15 Methamphetamine in violation of Code section 4060, as follows:

16 1. On or about June 30, 2008, Respondent was arrested and charged with
17 possession of the controlled substance Methamphetamine, pursuant to Health and
18 Safety Code section 11377, subdivision (a) (possession of a controlled substance),,
19 following a physical altercation with her boyfriend. (Superior Court, El Dorado
20 County, California, Case No. P08CRM1238).

21 2. On or bout January 3, 2010, Respondent was charged with possession of the
22 controlled substance, Methamphetamine in violation of Health and Safety Code section
23 11377, subdivision (a) (possession of a controlled substance). (Superior Court,
24 Sacramento County, California, Case No. 10M00057).

25 b. Respondent is subject to discipline to Code section 2878, subdivision (j), in that
26 Respondent has committed acts involving dishonesty, as follows:

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1. On or about January 7, 2009, Respondent was positively identified by loss prevention officers at the Kohl's Department Store in Folsom, California, as the person who stole various items stuffed into a Kohl's mesh shopping bag, without paying for those items. Respondent was arrested and charged with a violation of Penal Code section 484, subdivision (a) (unlawfully take, and carry away the personal property of Kohl's), a misdemeanor. (Superior Court, Sacramento County, California, Case No. 09M04240).

2. On or about January 3, 2010, Respondent was found by Folsom Police Officers in a stolen car, in possession of a check belonging to Anthony Leach without his consent, and in possession of the controlled substance Methamphetamine. Respondent was arrested and charged with violations of Health and Safety Code section 11377, subdivision (a) (possession of a controlled substance), Penal Code section 496, subdivision (a) (unlawfully buy, receive, conceal, sell, withhold, and aid in concealing, selling, and withholding property belonging to Anthony Leach); Penal Code section 475, subdivision (b) (possession of a blank and unfinished check, note, bank bill, money order, and traveler's check with the intention of completing the same and the intention of facilitating the completion of the same in order to defraud a person); and Penal Code section 466 (unlawfully possessing and picklock, crow, keybit, crowbar, screwdriver, vice grip pliers, water pump pliers, slide hammer, slim jim, tension bar, lock pick gun, tubular lock pick, floor safe door puller, master key, ceramic or porcelain spark plug chips or pieces, and other instrument and tool with the intent to break and enter a building, railroad car, aircraft, vessel, trailer coach, and vehicle), all misdemeanors. Superior Court, Sacramento County, California, Case No. 10M00057).

ORDER

IT IS SO ORDERED that Vocational Nurse License No. VN 219266, heretofore issued to Respondent Staci-Ann Marie Bozarth, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within

1 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
2 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

3 This Decision shall become effective on NOV 22 2012.

4 It is so ORDERED OCT 23 2012

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7 FOR THE BOARD OF VOCATIONAL NURSING
8 AND PSYCHIATRIC TECHNICIANS
9 DEPARTMENT OF CONSUMER AFFAIRS

10 10912736.DOC
11 DOJ Matter ID:SA2011102092

12 Attachment:
13 Exhibit A: Accusation
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Exhibit A

Accusation

FILED

MAY 08 2012

Board of Vocational Nursing
and Psychiatric Technicians

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BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
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In the Matter of the Accusation Against:

Case No. VN-2008-148

STACI-ANN MARIE BOZARTH
6563 Richard Avenue
Placerville, CA 95667
Vocational Nurse License No. VN 219266

A C C U S A T I O N

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

Vocational Nurse License

2. On or about February 24, 2006, the Board issued Vocational Nurse License Number VN 219266 to Staci-Ann Marie Bozarth ("Respondent"). The vocational nurse license expired on October 31, 2009, and has not been renewed.

STATUTORY PROVISIONS

3. Section 2875 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

1 4. Code section 118, subdivision (b) provides, in pertinent part, that the expiration of a
2 license shall not deprive the Bureau jurisdiction to proceed with a disciplinary action during the
3 period within which the license may be renewed, restored, reissued or reinstated. Under
4 section 2892.1 of the Code, the Bureau may renew an expired license at any time within four
5 years after the expiration.

6 5. Code section 2878 states, in pertinent part:

7 The Board may suspend or revoke a license issued under this chapter [the
8 Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the
9 following:

10 (a) Unprofessional conduct....,

11 (j) The commission of any act involving dishonesty, when that action is
12 related to the duties and functions of the licensee.

13 6. Code section 2878.5 states, in pertinent part:

14 In addition to other acts constituting unprofessional conduct within the
15 meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional
16 conduct for a person licensed under this chapter to do any of the following:

17 (a) Obtain or possess in violation of law, or prescribe, or except as
18 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
19 himself or herself or furnish or administer to another, any controlled substance as
20 defined in Division 10 of the Health and Safety Code, or any dangerous drug as
21 defined in Section 4022.

22 COST RECOVERY

23 7. Code section 125.3 provides, in pertinent part, that the Board may request the
24 administrative law judge to direct a licensee found to have committed a violation or violations of
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
26 enforcement of the case.

27 FIRST CAUSE FOR DISCIPLINE

28 (Possess the Controlled Substance Methamphetamine in Violation of Law)

 8. Respondent has subjected her license to discipline pursuant to Code section 2878,
subdivision (a), on the grounds of unprofessional conduct as defined in Code section 2878.5,
subdivision (a), in that Respondent possessed the controlled substance Methamphetamine, in
violation of Code section 4060, as follows:

1 a. On or about June 30, 2008, Respondent was arrested and charged with possession
2 of the controlled substance Methamphetamine, pursuant to Health and Safety Code
3 section 11377, subdivision (a) (possession of a controlled substance), following a physical
4 altercation with her boyfriend. (Superior Court, El Dorado County, California, Case No.
5 P08CRM1238).

6 b. On or about January 3, 2010, Respondent was arrested and charged with
7 possession of the controlled substance, Methamphetamine in violation of Health and Safety Code
8 section 11377, subdivision (a) (possession of a controlled substance). (Superior Court,
9 Sacramento County, California, Case No. 10M00057).

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Acts Constituting Dishonesty)**

12 9. Respondent is subject to discipline pursuant to Code section 2878, subdivision (j),
13 in that Respondent has committed acts involving dishonesty, as follows:

14 a. On or about January 7, 2009, Respondent was positively identified by loss
15 prevention officers at the Kohl's Department Store in Folsom, California, as the person who stole
16 various items stuffed into a Kohl's mesh shopping bag, without paying for those items.
17 Respondent was arrested and charged with a violation of Penal Code section 484, subdivision (a)
18 (unlawfully take, and carry away the personal property of Kohl's), a misdemeanor. (Superior
19 Court, Sacramento County, California, Case No. 09M04240).

20 b. On or about January 3, 2010, Respondent was found by Folsom Police Officers in
21 a stolen car, in possession of a check belonging to Anthony Leach without his consent, and in
22 possession of the control substance Methamphetamine. Respondent was arrested and charged
23 with violations of Health and Safety Code section 11377, subdivision (a) (possession of a
24 controlled substance), Penal Code section 496, subdivision (a) (unlawfully buy, receive, conceal,
25 sell, withhold, and aid in concealing, selling, and withholding property belonging to Anthony
26 Leach); Penal Code section 475, subdivision (b) (possession of a blank and unfinished check,
27 note, bank bill, money order, and traveler's check with the intention of completing the same and
28 the intention of facilitating the completion of the same in order to defraud a person); and, Penal

1 Code section 466 (unlawfully possessing a picklock, crow, keybit, crowbar, screwdriver, vice grip
2 pliers, water pump pliers, slide hammer, slim jim, tension bar, lock pick gun, tubular lock pick,
3 floor safe door puller, master key, ceramic or porcelain spark plug chips or pieces, and other
4 instrument and tool with the intent to break and enter a building, railroad car, aircraft, vessel,
5 trailer coach, and vehicle), all misdemeanors. (Superior Court, Sacramento County, California,
6 Case No. 10M00057).

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
10 issue a decision:

- 11 1. Revoking or suspending Vocational Nurse License Number VN 219266, issued to
12 Staci-Ann Marie Bozarth;
- 13 2. Ordering Staci-Ann Marie Bozarth to pay the Board of Vocational Nursing and
14 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
15 pursuant to Business and Professions Code section 125.3; and,
- 16 3. Taking such other and further action as deemed necessary and proper.

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19 DATED: May 8, 2012



TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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